

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

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**ORDERS OF THE TRIBUNAL**

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**20.5.2009**

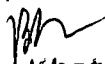
**OA No.200/2009**

**Mr. P.V.Callia, counsel for the applicant's**

**Heard the learned counsel for the applicant.**

**For the reasons dictated separately, the OA stands  
disposed of at admission stage.**

**In view of disposal of the OA, no order is required  
to be passed in MA No.141/2009, which shall stand  
disposed of accordingly.**

  
**(B.L. Khatri)  
Member (Admn.)**

  
**(M.L. Chauhan)  
Member (Judl.)**

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

**Original Application No.200/2009**

**Jaipur, the 20<sup>th</sup> day of May 2009**

**Hon'ble Mr. M.L. Chauhan, Member (Judicial)  
Hon'ble Mr. B.L. Khatri, Member (Administrative)**

- 1. Indian Railway Public Relations Officials Welfare Society through its Treasure, Gopal Sharma  
Registered Office, 72/46, Patel Marg, Mansarowar  
Jaipur-302020.**
- 2. Y.K.Sharma S/o Dr. R.K.Sharma, aged about 43 years  
at present working as P.R.O. Northern Western  
Railway, Headquarter, Jaipur R/o 72/46, Patel Marg,  
Mansarowar, Jaipur-302020.**

**.....Applicants**

**(By Advocate: Shri P.V.Calla)**

**- Versus -**

- 1. The Union of India through the Secretary, Railway  
Board Ministry of Railway Bhawan, Raisina Road  
New Delhi.**
  - 2. The Railway Board, through its Chairman, Railway  
Bhawan, Raisina Road, New Delhi.**
  - 3. The Union Public Service Commission through its  
Secretary, New Delhi.**
  - 4. The Member Staff Railway Board, Rail Bhawan,  
Raisina Road, New Delhi 110001**
  - 5. Shri K.L. Enkhia, C.P.RO and CFTM, North Western  
Railway, Headquarters, Jaipur**
  - 6. The General Manager, North Western Railway,  
Headquarters, Jaipur.**
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7. Shri A.K. Chandra CPRO, Dy. General Manager  
Headquarters, Hajipur.
  8. The General Manager, East Central Railway,  
Headquarters, Hajipur (Bihar)
  9. Shri R.D. Vajpai, CPRO, North Central Railway,  
Headquarters, Allahabad (U.P.)
  10. The General Manager, North Central Railway,  
Headquarters, Allahabad (U.P.)
  11. Shri Anil Kr.Singh , CPRO North Eastern Railway,  
Headquarters, Gorakhpur (U.P.)
  12. The General Manager, North Eastern Railway,  
Headquarters, (Gorakhpur (U.P.)
  13. The General Manager, Southern Railway,  
Headquarters, Channai.
  14. Shri S.C. Mudgerikar, CPRO, Central Railway,  
Headquarters, Mumbai.
  15. The General Manager, Central Railway,  
Headquarters, Mumbai.
  16. Shri Rajeev Saxena, CPRO, Northern Railway,  
Headquarters, New Delhi.
  17. The General Manager, Northern Railway,  
Headquarters, New Delhi.
  18. Shri S.S. Gupta CPRO, Western Railway,  
Headquarters, Mumbai.
  19. The General Manager, Western Railway,  
Headquarters Mumbai.
  20. Shri Panabaka Krishnaiah, CPRO, South Central  
Railway, Headquarters, Secunderabad.
  21. The General Manager, South Central Railway,  
Headquarters, Secunderabad.
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22. Shri S. Majumdar, CRPO, South Eastern Railway, Headquarters, Kolkata.
23. The General Manager, South Eastern Railway, Headquarters, Kolkata.
24. Shri R.K. Tomer, CPRO, West Central Railway, Headquarters, Jabalpur.
25. The General Manager, West Central Railway, Headquarters, Jabalpur.
26. Shri A. Gupta, DGM/CPRO, South East Central Railway Headquarters, Bilaspur.
27. The General Manager, South Central Railway, Headquarters, Bilaspur.
28. Shri B.S. Dasarathi, CPRO, South Western Railway, Headquarters, Hubli.
29. The General Manager, South Western Railway, Headquarters, Hubli.
30. Shri J.P. Mishra, DGM/CPRO, East Cost Railway, Headquarters, Bhubaneswar.
31. The General Manager, East Cost Railway, Headquarters, Bhubaneswar.
32. Shri Amitava Chaudhary, CPRO/Dy. G.M., Chitranjan Locomotive Works, West Bengal.
33. The General Manager, Chitranjan Locomotive Works, Chitranjan, West Bengal.
34. Shri Shirendra Mohan, CPRO/Secretary, Diesel Locomotive Works, Varanasi (U.P.).
35. The General Manager Diesel Locomotive Works, Varanasi (U.P.).



36. Shri Gurujit Singh, Senior PRO, Rail Coach Factory,  
Kapurthala (Punjab.)

37. The General Manager, Railway Coach Factory,  
Kapurthala (Punjab).

38. Shri Manish Tiwari, Director, Information and  
Publicity Railway Board, Rail Bhawan, Raisina Road,  
New Delhi-110001.

39. Shri S. Hajong, Norther Fronter Railway, Ghohaty.

40. The General Manager, North Fronter Railway,  
Ghohaty.

..... Respondents

**ORDER (ORAL)**

**By Hon'ble Mr. M.L. Chauhan, Member (J):**

The applicant has filed this OA thereby praying for  
the following reliefs.

- (i) the official respondents may be directed to prepare a common and combined seniority list of PRO on the basis of which the promotion on the post of Senior PRO may be ordered to be made from the date they become eligible and further the respondents may be directed to conduct the DPC for promotion to the post of CPRO.
- (ii) by an appropriate writ in the nature of quo warranto the applicant/ posting in respect of private respondents on the post of Senior PRO and CPRO may kindly be declared illegal and the official respondents may be restrained to take work of Senior PRO and CPRO who are not from the cadre of Public Relation Department.

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(iii) the Original Application may kindly be allowed with costs

(iv) any other relief to which the applicants are found entitled in the facts and circumstances of the present case, may also be granted in favour of the applicants."

2. This OA has been filed by the Indian Railway Public Relations Officials Welfare Society through its Treasure, Gopal Sharma, Registered Office, 72/46, Patel Marg, Mansarowar, Jaipur-302020 and one of Sh. Y.K. Sharma S/o Dr. R.K. Sharma, at present working as P.R.O. Northern Western Railway, Headquarter, Jaipur, R/o 72/46, Patel Marg, Mansarowar, Jaipur-302020. The applicant while impleading Respondent No.1 (The Union of India through the Secretary, Railway Board, Ministry of Railway, Rail Bhawan, Raisina Road, New Delhi), Respondent No.2(The Railway Board, through its Chairman, Rail Bhawan, Raisina Road New Delhi-110001.), Respondent No.3 (The Union Public Service Commission through Secretary, New Delhi.), Respondent No.4(The Member Staff, Railway Board, Railw Bhawan Raisina Road, New Delhi-110001.) & Respondent No.6 (The General manager, North Western

Railway, Headquarters, Jaipur.) as party respondents has also impleaded the General Manager, East Central Railway, Headquarters, Hajipur (Bihar), the General Manager, North Central Railway, Headquarters, Allahabad (U.P.), the General Manager, North Eastern Railway, Headquarters, (Gorakhpur (U.P.)), the General Manager, Southern Railway, Headquarters, Channai, the General Manager, Central Railway, Headquarters, Mumbai, the General Manager, Northern Railway, Headquarters, New Delhi, the General Manager, Western Railway, Headquarters Mumbai, the General Manager, South Central Railway, Headquarters, Secunderabad, the General Manager, South Eastern Railway, Headquarters, Kolkata, the General Manager, West Central Railway, Headquarters, Jabalpur, the General Manager, South Central Railway, Headquarters, Bilsapur, the General Manager, South Western Railway, Headquarters, Hubli, the General Manager, East Cost Railway, Headquarters, Bhubaneswar, the General Manager, Chitranjan Locomotive Works, Chitranjan, West Bengal, the General Manager Diesel Locomotive Works, Varanasi

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(U.P.), the General Manager, Railway Coach Factory, Kapurthala (Punjab), & the General Manager, North Frontier Railway, Ghohaty. Admittedly except the General Manager, North Headquarters, Jaipur, this Tribunal can not exercise any territorial jurisdiction in view of the nature of relief claimed as reproduced above. The grievance of the applicant is two fold i.e. (i) to prepare a common seniority list of Personnel Relation Officers and (ii) relief regarding issue of quo-warranto in respect of private persons who are working under the different railway authorities as mentioned above which are not within the territorial jurisdiction of this Tribunal.

3. The matter was listed on 18.5.2009 and the same was adjourned to 20.5.2009 as prima facie we were of the view that this Tribunal has no jurisdiction to entertain the matter in respect of the employees and authorities which are out side the jurisdiction of this Tribunal and which has been impleaded in this case. Further, we were also of the view that the petition has been filed by the society through its Treasure Shri Gopal Sharma and whether he is competent to file application on behalf of the society, in terms of Bye-Laws framed by

the Society. Learned counsel of the applicant has produced copy of the bye-laws framed by the society. The second document which has been produced by the applicant is the resolution, which is in the following terms:-

**Resolution in bye-laws**

The members of society had called executive meeting on 6.10.2007, the following were presented in the said meeting:-

|                         |               |
|-------------------------|---------------|
| 1. Shri Kamal Joshi     | Chairman      |
| 2. Shri Y.K.Sharma      | Secy. General |
| 3. Shri Gopal Sharma    | Secy. General |
| 4. Shri Ramavtar Sharma | Member        |
| 5. Shri Ashok Chouhan   | Member        |

**Other members on Tele Conferencing**

The above meeting was held on that day, because the society wanted to amend in the bye-laws, which ever made earlier by the said society, therefore the Members of the society have taken decision that who is empowered to sue or be sued on the behalf of the society, thus the society had come on conclusion that:

**Rule(6) " Association can sue or sued through the chairman, Secy. General Secy. Finance (Treasurer)"**

From reading of this document, it is evident that decision which was taken was regarding

authority/person who can sue or be sued on behalf of association. Admittedly, this OA has not been filed by the Association but the OA has been filed on behalf of the society. No such provision has been brought to our notice which authorized Treasurer to file OA on behalf of society. Thus, we are of the view that this OA can not be entertained. Further this Tribunal has also no territorial jurisdiction to issue writ of quo-warrant in respect of respondents who are admittedly out side the territorial jurisdiction of this Tribunal. As such, this OA can not be entertained and the same is dismissed on account of territorial jurisdiction as well as nature of relief claimed without going into merit of case. No order as to the costs.

  
(B.L. Khatri)  
Member (Admn.)

  
(M.L. Chauhan)  
Member (Judl.)

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